IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

OP.No. 26276 of 2001(C)

PETITIONER:

ABDUL AKBAR VENGASSERRY,
S/O.AHMEDKUTTY, AGED 26,
VENGASSERRY HOUSE,
VADAKKANGARA, MALAPPURAM DIST.

BY ADV. SRI.K.S.MADHUSOODANAN
SRI.C.P.PEETHAMBARAN

RESPONDENTS:
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1. CONTROLLER OF EXAMINATION,
CALICUT UNIVERSITY,
THENJIPALAM.

2. VICE CHANCELLOR,
CALICUT UNIVERSITY,
THENJIPALAM.

3. V.INDULEKHA, W/O.K.P.HARIDAS,
PUZHAKKAL HOUSE, KALVAPPADOM,
MOOLAMKODE, PALAKKAD.

BY ADV. SRI.E.S.ASHRAF, SC, CALICUT UNIVERSITY
R3 BY ADV. SRI.V.GIRI

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 27/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO.42616/2001 IN O.P. NO.26276/2001

DISMISSED:

27.2.2007 SD/-(C.N.RAMACANDRAN NAIR, JUDGE.)

APPENDIX

PETITIONER'S EXHIBITS:

P1: PHOTOCOPY OF MARKLIST ISSUED BY R1 TO THE PETITIONER.

P2: PHOTOCOPY OF RANK CERTIFICATE ISSUED BY R1 DT.10.2.2000.

P3: PHOTOCOPY OF M.COM. DEGREE CERTIFICATE ISSUED BY R2.

P4: PHOTOCOPY OF MEMO DT.1.8.2001 ISSUED BY R1 TO THE PETITIONER.

RESPONDENT'S EXHIBITS:

R3(a): TRUE COPY OF THE REPRESENTATION DT.17.12.99 SUBMITTED TO THE VICE-CHANCELLOR AS WELL AS THE CONTROLLER OF EXAMINATION OF UNIVERSITY OF CALICUT.

R3(b): TRUE COPY OF THE MEMO DT.26.9.2000 RECEIVED FROM R1.

R3(c): TRUE COPY OF THE MEMO DT.9.10.2000 DIRECTING R3 TO SURRENDER THE RANK CERTIFICATE FOR CORRECTION.

R3(d): TRUE COPY OF REVISED MARKLIST DT.24.7.2001.

R3(e); TRUE COPY OF THE ORDER DT.2.11.00 FOR DR.MOOSA A. BACKER ENDOWMENT CASH AWARD 1999 ISSUED BY THE REGISTRAR OF CALICUT UNIVERSITY.

TRUE COPY

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.26276 of 2001

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Dated this the 27th day of February, 2007.

JUDGMENT

The petitioner is challenging the direction of the University to return the Rank Certificate initially given to him for issuing Rank Certificate to the third respondent in the final M.Com. examination conducted in 1999. In the result as originally published, petitioner was the first rank holder and he was issued Rank Certificate. However, students who wrote the final year M.Com. examination from the N.S.S. College, Nemmara made complaint against award of low marks in one subject namely, Advanced Financial Accounting. The Principal of the College also supported the plea of the students. The University after being satisfied that there is ground for enquiring into the grievance, ordered revaluation. As against 61 marks originally awarded, the third respondent got 83 marks on revaluation. It is stated that revaluation changed the result of several students. It is reported that third respondent was top scorer along with another candidate in the first year examination. Petitioner's case is that revaluation should not have been done as there was no provision for it. I do not think the University is precluded from conducting revaluation if irregularity in

valuation is noticed. Though this court directed the University to produce the answer books of the third respondent got revalued by the University, Standing Counsel submitted that answer books are not traceable. However, I do not find any ground to doubt the genuineness of revaluation done, more so when the revaluation led to change in result of several students. In the circumstances, there is no scope for interference with revaluation which led to award of higher marks to third respondent in one subject. Therefore, I do not find any ground to interfere with the decision of the University to recall the Rank Certificate from the petitioner and issue the same to the third respondent who is found to be the first rank holder. The O.P. is accordingly dismissed. The petitioner is therefore directed to surrender original Rank Certificate.

C.N.RAMACHANDRAN NAIR
Judge

pms